

532.164 Lien on real property. (Effective until January 1, 2007)

- (1) Any convicted person owing fines, court costs, restitution, or reimbursement before or after his release from incarceration shall be subject to a lien upon his interest, present or future, in any real property.
- (2) The real property lien shall be filed in the circuit clerk's office of the county in which the person was convicted and shall also be filed by the Commonwealth in any county in which the convicted person is known to own property or reside.
- (3) The lien may be foreclosed upon in the manner prescribed in KRS Chapter 426 and shall remain valid until satisfied. The lien shall constitute a charge against the estate of any decedent owing moneys under this chapter.
- (4) The attorney for the Commonwealth, and not the crime victim, shall prepare and file lien documents for moneys to be restored to the crime victim. The manner of filing, recording, and releasing the lien shall be consistent with the provisions of KRS Chapter 376.
- (5) The attorney for the Commonwealth shall pay to the county clerk five dollars (\$5) which shall be assessed as court costs for the filing of any lien upon real estate. The filing fee shall constitute payment for both filing and release of the lien. The attorney for the Commonwealth shall notify the appropriate county clerk that the lien has been satisfied within ten (10) days of satisfaction.
- (6) A lien under this section shall bear interest at the same rate as for a civil judgment unless the court orders that interest not be awarded. In considering whether interest shall be awarded, the court shall consider the following factors, among others:
 - (a) The defendant's ability to pay the amount of the interest;
 - (b) The hardship likely to be imposed on the defendant's dependents by paying the amount of the interest and the time and method of paying it;
 - (c) The impact that the amount of the interest will have on the defendant's ability to make reparation or restitution to the victim; and
 - (d) The amount of the defendant's gain, if any, derived from the commission of the offense.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 606, sec. 174, effective July 15, 1998.

532.164 Lien on real property. (Effective January 1, 2007)

- (1) Any convicted person owing fines, court costs, restitution, or reimbursement before or after his release from incarceration shall be subject to a lien upon his interest, present or future, in any real property.
- (2) The real property lien shall be filed in the circuit clerk's office of the county in which the person was convicted and shall also be filed by the Commonwealth in any county in which the convicted person is known to own property or reside.
- (3) The lien may be foreclosed upon in the manner prescribed in KRS Chapter 426 and shall remain valid until satisfied. The lien shall constitute a charge against the estate of any decedent owing moneys under this chapter.

- (4) The attorney for the Commonwealth, and not the crime victim, shall prepare and file lien documents for moneys to be restored to the crime victim. The manner of filing, recording, and releasing the lien shall be consistent with the provisions of KRS Chapter 376.
- (5) The attorney for the Commonwealth shall pay to the county clerk a fee pursuant to KRS 64.012 for filing the lien and subsequent release, which shall be assessed as court costs for the filing of any lien upon real estate. The attorney for the Commonwealth shall notify the appropriate county clerk that the lien has been satisfied within ten (10) days of satisfaction.
- (6) A lien under this section shall bear interest at the same rate as for a civil judgment unless the court orders that interest not be awarded. In considering whether interest shall be awarded, the court shall consider the following factors, among others:
 - (a) The defendant's ability to pay the amount of the interest;
 - (b) The hardship likely to be imposed on the defendant's dependents by paying the amount of the interest and the time and method of paying it;
 - (c) The impact that the amount of the interest will have on the defendant's ability to make reparation or restitution to the victim; and
 - (d) The amount of the defendant's gain, if any, derived from the commission of the offense.

Effective: January 1, 2007

History: Amended 2006 Ky. Acts ch. 255, sec. 35, effective January 1, 2007. -- Created 1998 Ky. Acts ch. 606, sec. 174, effective July 15, 1998.